

SENATE BILL 2696
By Koella

AN ACT to amend Tennessee Code Annotated, Title 53, to enact the "Drug Testing Standards Act of 1996".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 53, is amended by adding Sections 2 through 6 inclusive of this act as a new chapter, to be appropriately designated.

SECTION 2. This act shall be known and may be cited as the "Drug Testing Standards Act of 1996".

SECTION 3. It is hereby declared to be in the public's best interest that certain drug offenders, inmates, recipients of state public assistance and persons employed in professions essential to protecting and preserving the public safety be subject to mandatory random drug testing by the state, or by a county, municipality or other political subdivision thereof or other entity authorized by the state to conduct such mandatory random drug testing.

SECTION 4. It is further declared to be the public policy that such mandatory random drug testing be conducted by the state, or an entity authorized by the state, by means of the most current sophisticated technology available, which is Fluorescence Polarization Immunoassay (hereafter FPIA) or equivalently sensitive technology.

SECTION 5. The following category of persons shall be subject to mandatory random drug testing conducted by the state, or an entity authorized by the state, in the interest of protecting the public safety and welfare:

- (1) all persons, both adult and juvenile, who have been convicted of or who have pled guilty to any drug-related offense set out in Title 39, Chapter 17, Part 4;

- (2) all law enforcement officers employed by the state, or a county, municipality or other political subdivision thereof, including officers of the Tennessee bureau of investigation and the Tennessee highway patrol;
- (3) all firefighters and emergency medical technicians employed by the state, or any county, municipality or other political subdivision thereof;
- (4) all persons incarcerated by the department of correction, persons on parole pursuant to Section 40-28-115 of Tennessee Code Annotated, Title 40, Chapter 35, Part 5; persons on probation pursuant to Section 40-35-303, and inmates participating in a community work project pursuant to Section 41-9-103;
- (5) all persons employed by the department of correction in the capacity of correctional officer;
- (6) all persons making workers' compensation claims pursuant to Title 50, Chapter 6;
- (7) all persons who are recipients of public assistance from the state;
- (8) all persons applying for and who have received a handgun permit pursuant to Section 39-17-1315; and
- (9) all persons who have been convicted of or who have pled guilty to the offense of driving a motor vehicle under the influence of an intoxicant pursuant to Section 55-10-401.

SECTION 6. The purpose of the mandatory random drug testing authorized by this act shall be to detect the illegal presence of the following classification of drugs and/or narcotics in the persons enumerated in Section 5:

- (1) amphetamines/methamphetamine;
- (2) barbiturates;
- (3) cannabinoids;
- (4) cocaine metabolite;
- (5) PCP;
- (6) opiates; and

(7) benzodiazepines.

SECTION 7. The Attorney General is authorized to promulgate all rules and regulations necessary to effect the purposes of this act. All such rules and regulations shall be promulgated in accordance with the uniform administrative procedures act, codified at Title 4, Chapter 5.

SECTION 8. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 9. This act shall take effect July 1, 1996, the public welfare requiring it.

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